

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARRYL LEE SANDERS,

Petitioner,

vs.

DWIGHT D. NEVEN, *et al.*,

Respondents.

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2:12-cv-01225-APG-CWH

ORDER

In this habeas corpus action, in an order entered on May 7, 2015, the court directed the petitioner, Darryl Lee Sanders, to make an election regarding Ground 1 of his habeas petition. See Order entered May 7, 2015 (ECF No. 7). Sanders has not yet made that election.

In the May 7 order, the court also set a schedule for the respondents to answer Sanders' remaining habeas claims. Respondents were to file their answer within 30 days -- by June 8, 2015. See *id.* at 4. The order also ordered that Sanders will have 30 days to file a reply to the answer, and then respondents will have 20 days to respond to Sanders' reply, if necessary, with respect to the issue of cause and prejudice relative to any procedural default. See *id.* The court warned that it would not look favorably upon any motion to extend that briefing schedule.

On June 9, 2015, respondents filed a motion for extension of time (ECF No. 28), requesting an extension of 30 days for their answer. Respondents' counsel states that, apparently due to human

1 error resulting from staffing changes at his office, the deadline for the answer was not placed on his
2 calendar.

The court finds that respondents' motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for an extension of time. However, under the circumstances, and given the amount of time that this action has been pending, the court finds the request for another 30 days to be excessive. The court will grant respondents a 24-day extension of time.

8 The court will not be inclined to grant any further extension of time relative to the briefing
9 schedule set in the May 7 order.

10 **IT IS THEREFORE ORDERED** that respondents' Motion for Enlargement of Time
11 (ECF No. 28) is **GRANTED IN PART AND DENIED IN PART**. Respondents shall have until
12 and including **July 2, 2015**, to file an answer, as described in the order entered May 7, 2015 (ECF
13 No. 7). In all other respects, respondents' Motion for Enlargement of Time (ECF No. 28) is denied.

15 Dated this 9th day of June, 2015.

On

UNITED STATES DISTRICT JUDGE